GOVERNMENT OF MYSORE

Law and Parliamentary Affairs Secretariat

NOTIFICATION

No. LAW 50 LCR 1973, Bangalore, dated 4th July 1973

The Governor of Mysore is pleased to order that the Wealth Tax (Amendment) Rules, 1973 which has been published as S.O. 154(E) in the Gazette of India, Extraordinary Part II, Section 3, sub-section (ii), dated the 17th March, 1973 be republished in the Mysore Gazette for general information.

H. SUBBA RAO,
Under Secretary to Government,
Department of Law and Parly. Affairs.

CENTRAL BOARD OF DIRECT TAXES

NOTIFICATION

WEALTH-TAX

New Delhi, the 17th March 1973

S.O. 154(E) —In exercise of the powers conferred by section 46 of the Wealth-tax Act, 1957 (27 of 1957), the Central Board of Direct Taxes hereby makes the following rules further to amend the Wealth-tax Rules, 1957, namely :—

1. (1) These rules may be called the Wealth-tax (Amendment) Rules, 1973.

(2) Rule 4 shall be deemed to have come into force on the 1st day of April, 1972 and rules 2 and 3 shall come into force on the 1st day of April, 1973.

2. In the Wealth-tax Rules, 1957 (hereinafter referred to as the said rules), after rule 5, the following rules shall be inserted, namely :—

"5A. **Production of additional evidence before the Appellate Assistant Commissioner.**—(1) The appellant shall not be entitled to produce before the Appellate Assistant Commissioner any evidence, whether oral or documentary other than the evidence produced by him during the course of proceedings before the Wealth-tax Officer, except in the following circumstances, namely :—

(a) where the Wealth-tax Officer has refused to admit evidence which ought to have been admitted ; or

(b) where the appellant was prevented by sufficient cause from producing the evidence which he was called upon to produce by the Wealth-tax Officer ; or

(c) where the appellant was prevented by sufficient cause from producing before the Wealth-tax Officer any evidence which is relevent to any ground of appeal ; or

(d) where the Wealth-tax Officer has made the order appealed against without giving sufficient opportunity to the appellant to adduce evidence relevant to any ground of appeal.

(2) No evidence shall be admitted under sub-rule (1) unless the Appellate Assistant Commissioner records in writing the reasons for its admission.

(3) The Appellate Assistant Commissioner shall not take into account any evidence produced under sub-rule (1) unless the Wealth-tax Officer has been allowed a reasonable opportunity :—

(a) to examine the evidence or document or to cross-examine the witness produced by the appellant; or

(b) to produce any evidence or document or any witness in rebuttal of the additional evidence produced by the appellant.

(4) Nothing contained in the rule shall affect the power of the Appellate Assistant Commissioner to direct the production of any document, or the examination of any witness, to enable him to dispose of the appeal, or for any other substantial cause including the enhancement of the assessment or penalty (whether on his own motion or on the request of the Wealth-tax Officer) under sub-section (5) of section 23 or imposition of penalty under section 18 ".

3. In Form A appended to the said rules, in annexure VI, S. Nos. 11 to 17 shall be renumbered, respectively, as S. Nos. 12 to 18, and—

(a) after S. No. 10 and before the words "Total value", the following S. No. shall be inserted, namely :—

" 11. Value of assessee's interest, as a partner in a partnership firm or a member of an association of persons, in assets of industrial undertaking belonging to such firm or association referred to in section 5 (1) (xxxii). . . .

(b) for S. No. *14 as so renumbered, the following S. No. shall be substituted, namely :—

"*14. Value of assessee's interest as a partner in a partnership firm or member of an association of persons (not being a co-operative housing society)

Less: (i) Amount deemed to be an 'urban asset'* under rule 2 in Paragraph B of Part I of the Schedule to the Wealth-tax Act and added in Annexure IV.....

(ii) Value of assessee's interest as a partner in a partnership firm or a member of an association of persons, in assets of industrial undertaking belonging to such firm or association referred to in section (1) (xxxii) . . . . . .

Net Value.....".

4. In Forms C and D appended to the said rules, for paragraph 3, the following paragraph shall be substituted namely :

"3. If you do not pay the amount within the period specified above, you shall be liable to pay simple interest at twelve per cent per annum from the date commencing after the end of the period aforesaid in accordance with sub-section (2) of section 31 of the Wealth-tax Act, 1957."

[No. 314/F. No. 143(1)/73-TPL.]

Explanatory Memorandum

Simple interest at the rate of nine per cent per annum was chargeable from or payble to assessees under section provisions of the Wealth-tax Act, 1957. Section 47 of the Finance Act, 1972 has amended the relevant provisions of the Wealth tax Act, 1957 to increase the rate of interest, chargeable from or payable to assessees, from nine per cent. per annum to twelve per cent per annum with effect from the 1st April 197 . In order to bring the Forms of notice of demand (Forms C and D appended to the Wealth-tax Rules, 1957) issued under section 30 of the Wealth-tax Act in line with the aforesaid amendment, it has become necessary to amend these two Forms retrospectively from the said date to provide for charging interest at the enhanced rate of twelve per cent per annum—Please see rule 4 of the Wealth-tax (Amendment) Rules, 1973.

2. As these amendments are made so as to bring the relevant Forms into conformity with the changes made in the Act, the interest of no person will be prejudically affected by reason of the retrospective effect being given to the aforesaid amendment.

O. P. BHARDWAJ,
Secretary, Central Board of Direct Taxes.